

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICKY NOLAN,

Plaintiff

v.

SEARLE, *et al.*,

Defendants

Case No. 3:22-cv-00302-ART-CSD

ORDER

I. DISCUSSION

On July 5, 2022, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a document titled Emergency Injunctive Order. (ECF No. 1-1). Plaintiff has not filed a complaint or an application to proceed *in forma pauperis* in this matter.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff until **September 6, 2022** to submit a complaint to this Court.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and

(3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a **one-time** opportunity to file a complaint and a fully

1 complete application to proceed *in forma pauperis* containing all three of the required
 2 documents, or in the alternative, pay the full \$402 filing fee for this action on or before
 3 **September 6, 2022**. Absent unusual circumstances, the Court will not grant any further
 4 extensions of time. If Plaintiff is unable to file a complaint and a fully complete application
 5 to proceed *in forma pauperis* with all three required documents or pay the full \$402 filing
 6 fee on or before **September 6, 2022**, this case will be subject to dismissal without
 7 prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to file a
 8 complaint and able to acquire all three of the documents needed to file a fully complete
 9 application to proceed *in forma pauperis* or pay the full \$402 filing fee.

10 A dismissal without prejudice means Plaintiff does not give up the right to refile the
 11 case with the Court, under a new case number, when Plaintiff is able to file a complaint
 12 and has all three documents needed to submit with an application to proceed *in forma*
 13 *pauperis*. Alternatively, Plaintiff may choose not to file an application to proceed *in forma*
 14 *pauperis* and instead pay the full filing fee of \$402 on or before **September 6, 2022** to
 15 proceed with this case.

16 **II. CONCLUSION**

17 For the foregoing reasons, IT IS ORDERED that Plaintiff will submit a complaint to
 18 this Court on or before **September 6, 2022**.

19 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the
 20 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The
 21 Clerk of the Court will also send Plaintiff a copy of his Emergency Injunctive Order. (ECF
 22 No. 1-1).

23 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
 24 approved form application to proceed *in forma pauperis* by an inmate, as well as the
 25 document entitled information and instructions for filing an *in forma pauperis* application.

26 IT IS FURTHER ORDERED that on or before **September 6, 2022**, Plaintiff will
 27 either pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and
 28 the \$52 administrative fee) or file with the Court:

1 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
2 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
3 signatures on page 3),

4 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
5 official (i.e. page 4 of this Court's approved form), and

6 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
7 **previous six-month period.**

8 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint and a fully
9 complete application to proceed *in forma pauperis* with all three documents or pay the full
10 \$402 filing fee for a civil action on or before **September 6, 2022**, this case will be subject
11 to dismissal without prejudice for Plaintiff to refile the case with the Court, under a new
12 case number, when Plaintiff is able to file a complaint and has all three documents needed
13 to file a complete application to proceed *in forma pauperis* or pays the full \$402 filing fee.

14 DATED: July 7, 2022.

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16 UNITED STATES MAGISTRATE JUDGE
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